

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 157, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF POWDERED ASAFOETIDA.

In accordance with the provisions of Section 4 of the Food and Drugs Act of June 30, 1906, and of Regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on the 15th day of July, 1909, a judgment was entered in the District Court of the United States for the Eastern District of Michigan, in a prosecution by the United States against F. A. Thompson and Company, a corporation of Detroit, Michigan, for violation of Section 2 of the aforesaid act, upon an information in substance charging said defendant corporation with having on or about November 18, 1909, shipped and delivered for shipment from Detroit, Michigan, to Chicago, Ill., a consignment of a drug product labeled and branded "Asafoetida," which was adulterated in that it was sold under a name recognized by the United States Pharmacopoeia, but did not comply with the standard prescribed by said United States Pharmacopoeia or National Formulary, nor was the standard of strength, quality or purity of said drug stated upon the container thereof.

Said information further charges that said drug was misbranded in that the label "Asafoetida" was false and misleading and tended to deceive the purchaser thereof by leading said purchaser to believe that a drug complying with the tests for strength, quality and purity laid down in the Pharmacopoeia, was being purchased, whereas in fact, said drug product was mixed with ground nut hulls and did not comply with the said tests. To the above information the said defendant corporation pleaded *Nolo Contendere*, and the court imposed upon it a fine of ten dollars. The facts in the case were as follows:

On November 24, 1908, an inspector of the United States Department of Agriculture purchased a sample of the drug labeled:

“Powdered Asafoetida, Lot 49888,
Guaranteed under F. & D. Act,
Serial No. 296,
F. A. Thompson & Co., Manufacturing Chemists, Detroit, Michigan.”

The sample was subjected to analysis by the Bureau of Chemistry, United States Department of Agriculture, and found to contain:

Ash, 19.67%.

Alcohol, insoluble material, 87.12%.

Alcohol, soluble material, 12.87%.

The alcohol insoluble material was found to consist of mineral matter and nut hulls.

According to the tests laid down in United States Pharmacopoeia, said drug should have contained not less than 50 per cent alcohol, soluble material, and not more than 15 per cent ash.

The facts disclosed by the above analysis formed the basis of the charges of adulteration and misbranding, substantially as set out above, whereupon the Secretary of Agriculture, on March 8, 1909, afforded the manufacturers of said drug product an opportunity to show any fault or error in the findings of the analyst, and they having failed to do so, the facts were reported to the Attorney General June 18, 1909, and the case referred to the United States Attorney for the eastern District of Michigan, who filed an information against said F. A. Thompson & Company with the result hereinbefore stated.

JANUARY 10, 1910.

JAMES WILSON,
Secretary of Agriculture.

